

# NATURAL RESOURCE COMMISSION[571]

## Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code.

Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. The amendments allow this chapter to conform with Iowa Code section 483A.24(10), which requires the Commission to adopt rules to implement the license provisions. The amendments also update the implementation sentence for Chapter 98.

Iowa Code section 483A.24(10) specifies that nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. A nonresident who receives a special license pursuant to this section must purchase a hunting license and the nonresident turkey hunting license and pay the wildlife habitat fee but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least 18 years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 29, 2009, as **ARC 8017B**. A public hearing was held on August 18, 2009. There were no comments received at the meeting or in writing. There have been no changes to the Notice.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

These amendments shall become effective December 9, 2009.

The following amendments are adopted.

ITEM 1. Adopt the following new subrule 98.9(5):

**98.9(5) Special licenses.** The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 2. Amend **571—Chapter 98**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, and 483A.7 and 483A.24.

[Filed 10/14/09, effective 12/9/09]

[Published 11/4/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/4/09.